



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 4

HICKMAN PALERMO TRUONG & BECKER LLP
1600 WILLOW STREET
SAN JOSE CA 95125

COPY MAILED

SEP 24 2002

OFFICE OF PETITIONS

In re Application of
E. Michael Lunsford
Application No. 10/043,552
Filed: January 8, 2002
Attorney Docket No. 1662/466072

DECISION ON PETITION

This is a decision on the petition filed July 3, 2002, to accord the above-identified application a filing date of January 8, 2002, with pages 37 and 38 of the specification as a part of the original disclosure.

Application papers in the above-identified application were filed on January 8, 2002. However, on February 20, 2002, the Initial Patent Examination Division mailed a "Notice of Omitted Items in a Nonprovisional Application," notifying applicant that the application had been accorded a filing date; however, pages 37 and 38 of the specification appeared to have been omitted.

In response, on July 3, 2002, applicant filed the present petition to accord a filing date of January 8, 2002, with pages 37 and 38 as part of the original disclosure. Applicant asserted that pages 37 and 38 were with the application as originally filed on January 8, 2002. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "Copy of parent specification (40 pgs)" as enclosed, bearing a United States Patent and Trademark Office date-stamp of January 8, 2002, and lacking any notation of non-receipt of any item listed.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

In view thereof, the petition is GRANTED.

The Notice of Omitted Items is hereby VACATED.

Given the basis for granting the petition, the \$130 petition fee was not charged to Deposit Account No. 50-1302.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filin g date of January 8, 2002, using the application papers received in the Office on that date and pages 37 and 38 of the specification resupplied on petition filed July 3, 2002. Applicant will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries related to this decision should be directed to Petitions Attorney Cliff Congo at 703-305-0272.

E Shene Wilbs for

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy